

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

CARL JOSEPH MCDANIEL,

Plaintiff,

v.

Case No. 17-C-1493

DR. SALAM SYED, et al.,

Defendants.

ORDER

Plaintiff Carl Joseph McDaniel, an inmate at Oshkosh Correctional Institution, filed suit against Defendants pursuant to 42 U.S.C. § 1983, claiming violations of the Americans with Disabilities Act (ADA), 42 U.S.C. § 12132; the Rehabilitation Act, 29 U.S.C. § 794; and the First and Eighth Amendments of the United States Constitution. The court granted Defendants' motion for summary judgment and dismissed the case on September 17, 2020. Plaintiff filed a notice of appeal on October 8, 2020. This matter comes before the court on Plaintiff's motion for "certification of service" for an emergency intervention and preliminary injunction. It appears Plaintiff is seeking accommodations under the ADA while his appeal is pending. "The filing of a notice of appeal is an event of jurisdictional significance—it confers jurisdiction on the court of appeals and divests the district court of its control over those aspects of the case involved in the appeal." *United States v. McHugh*, 528 F.3d 538, 540 (7th Cir. 2008). Because Plaintiff filed a notice of appeal in this case, the district court no longer has jurisdiction over the case. Accordingly, Plaintiff's motion for certification of service for an emergency intervention and preliminary injunction (Dkt. No. 210) is **DENIED**.

SO ORDERED at Green Bay, Wisconsin this 18th day of December, 2020.

s/ William C. Griesbach

William C. Griesbach
United States District Judge